

CHAPTER NO. 371

HOUSE BILL NO. 570

By Representative Rhinehart

Substituted for: Senate Bill No. 605

By Senator McNally

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 10, Part 4 relative to pharmacy practice.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 10, Part 4, is amended by adding the following as a new, appropriately designated section:

Section (__) (a) Notwithstanding any requirement of state law to the contrary, a pharmacist is immune from liability to any person for disclosing patient information to a person authorized by Title 63 to prescribe drugs or devices, or to communicate a prescription order, where necessary to:

(1) Fulfill the pharmacist's responsibility to carry out prospective drug use review under state law and 42 CFR Part 456 for the purpose of identifying and resolving actual or potential drug-related problems, including, for example, therapeutic duplication, drug-drug interactions, incorrect drug dosage, drug-disease contraindication, duration of drug treatment, or over-utilization or under-utilization and any other drug therapy problems outlined in 42 Code of Federal Regulations, Section 456.705;

(2) Assist prescribers in obtaining a comprehensive drug history on a patient;

(3) Prevent abuse or misuse of any drug or device and the diversion of controlled substances.

(b) Disclosure of information pursuant to this section shall not constitute a waiver of any confidentiality or privilege that may be provided by law.

(c) The provisions of this act shall apply only to confidentiality or privilege and shall not apply to actions arising in negligence.

SECTION 2 This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 24, 1999



JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 14th day of June 1999



DON SUNDQUIST, GOVERNOR